

## **TITLE 12. MILITARY AND VETERANS AFFAIRS**

(Notice published November 8, 2002)

### **NOTICE OF PROPOSED RULEMAKING**

The California Department of Veterans Affairs ("Department") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### **PUBLIC HEARING**

The Department will hold a public hearing starting at **10 a.m. on January 8, 2003**, in the Medal of Honor Hall located on the first floor, Department Headquarters, 1227 "O" Street, Sacramento, California. The Hall is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at **5 p.m. on December 23, 2002**. The Department will consider only comments received at the Department Headquarters offices by that time. Submit comments to: Joe Maguire, Chief Counsel, 3rd Floor Law Office, 1227 "O" Street, Sacramento, CA 95814.

#### **AUTHORITY AND REFERENCES**

Military and Veterans Code 700 authorizes the Department to adopt the proposed regulations, which would amend Title 12, Division 2, Sections 450 and 453.1 of the California Code of Regulations. The purpose of the amendments to these regulations is to implement, interpret, and make specific Section 972.2 of the Military and Veterans Code.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Department proposes to amend sections 450 and 453.1 of Title 12 of the California Code of Regulations (CCR). These sections pertain to the distribution of the Veterans Service Office Funds (VSOF). These funds will be used to develop and implement a training program for County Veterans Service Officers/Veterans Claims Representatives. This training program is necessary to achieve and maintain accreditation, pursuant to C.F.R., Title 38, Sections 14.629 through 14.634, and to keep veterans representatives proficient and apprised of current rules and programs benefiting veterans.

The purpose of the proposed amendment to the regulations is to amend the manner in which the veterans service office fund is distributed. Presently, the Veterans Service Office Fund is distributed pursuant to the following scheme: 1. \$1.00 to Departmental headquarters from each veterans license plate fee collected, without limitation as to total amount, for administration, promotion, and training; 2. The remainder on a pro rata basis to the participating counties, based on total net expenditures of those counties and including the Department counted as a single entity.

The proposed amendment to regulation section 453.1 of Title 12 for expenditure of the Veterans Service Office Funds is as follows: 1. \$2.00 from each veterans license plate registration fee paid will go to Departmental headquarters for administration, promotion, and related costs, other than training, with a limitation of \$30,000 per fiscal year; 2. The California Association of County Veterans Service Officers (CACVSO) shall receive \$30,000 per fiscal year for the purpose of development, implementation and operation of a Veterans Service Officer/Veterans Claims Representative Training Program; 3. Each county qualifying for VSOF money shall receive \$1000 per fiscal year to be used for education and training at CACVSO conferences; and 4. The remaining funds shall be distributed to each participating county on a pro rata basis by comparing total net expenditures to total amount of VSOF funds.

The Department also proposes to amend section 450. This section pertains to definitions as used in Title 12, CCR, Sections 451, 452, 453, 454, 455.

The purpose of the proposed amendment to the regulation is to add the definition of the California Association of County Veterans Service Officers, Inc. (CACVSO) and state its purpose because this association is added in the proposed amendment to Title 12, CCR, Section 453.1.

## DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Effect on small businesses: None. This regulation does not affect small businesses because it merely shifts the training responsibilities for County Veterans Service Officers from the Department to the California Association of County Veterans Service Officers (CACVSO) with a corresponding shift in funding.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Joe Maguire, Chief Counsel  
California Department of Veterans Affairs  
1227 "O" Street, Suite 306  
Sacramento, CA 95814  
Telephone: (916) 654-7022

The backup contact person for these inquiries is:

Ron Melendez, Orange County Veterans Service Officer  
County Operations Center  
1300 South Grand Ave., Bldg. B  
Santa Ana, CA 92705  
Telephone: (714) 567-7450

Questions on the substance of the proposed regulations may be directed to either Mr. Maguire or Mr. Melendez.

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or the information upon which the rulemaking is based to Mr. Melendez at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Mr. Melendez at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ron Melendez at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Melendez at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.CDVA.CA.Gov](http://www.CDVA.CA.Gov).

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